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DAVIS &amp; BUJOLD, PLLC → USPTO CENTRAL 001

PTO/SB/21 (12-97)

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FORM*(to be used for all correspondence after initial filing)*

Total No. of Pages in this Submission: 8 Attorney Docket Number ZAHFRI P844US

## ENCLOSURES (check all that apply)

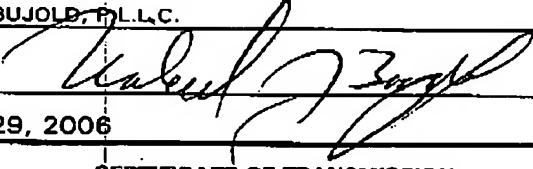
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee attached <input type="checkbox"/> Amendment/Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request (in Duplicate) <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Part/s Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition (DELETED - no longer useful) <input type="checkbox"/> To Convert a Provisional Petition <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below): Subm. of Int'l Prelim. Exam. Report Int'l Prelim. Exam. Report
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## REMARKS

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name	Michael J. BUJOLD DAVIS & BUJOLD, PLLC.	Reg. No. 32,018 CUSTOMER NO. 020210
Signature		
Date	August 29, 2006	

## CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the USPTO on August 29, 2006

Type or printed name Michael J. BUJOLD

Signature  Date: August 29, 2006 (lfb)

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8/29/06

PATENT APPLICATION

AUG 29 2006

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Detlef BAASCH, Gerhard GUMPOLTSBERGER, Christoph PELCHEN, Barbara SCHMOHL, Ulrich MAIR and Thomas ROSEMEIER
Serial no.	:	10/574,725
Filed	:	with an effective filing date of October 2, 2004
For	:	TRANSMISSION DEVICE AND METHOD FOR CONTROLLING AND REGULATING A TRANSMISSION DEVICE
Group Art Unit	:	3617
Examiner	:	
Docket	:	ZAHFRI P844US
The Commissioner for Patents U.S. Patent & Trademark Office P. O. Box 1450 Alexandria, VA 22313-1450		

**SUBMISSION OF ENGLISH TRANSLATION OF  
INTERNATIONAL PRELIMINARY EXAMINATION REPORT**

Dear Sir:

Enclosed please find an English translation of the International Preliminary Examination Report concerning the above-identified application. Please enter the same into the record of this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



Michael J. Bujold Reg. No. 32,018  
Customer No. 020210  
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## PATENT COOPERATION TREATY

PCT/EP2004/011028

From the INTERNATIONAL BUREAU

**PCT**

NOTIFICATION OF TRANSMITTAL  
OF COPIES OF TRANSLATION  
OF THE INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY  
(CHAPTER I OR CHAPTER II)  
OF THE PATENT COOPERATION TREATY)  
(PCT Rules 44bis.3(c) and 72.2)

To:

ZF FRIEDRICHSHAFEN AG  
88038 Friedrichshafen  
ALLEMAGNE

TS Eingang

17. Aug. 2006

Date of mailing (day/month/year) 03 August 2006 (03.08.2006)	
Applicant's or agent's file reference 8765 WO RSF-RIX	<b>IMPORTANT NOTIFICATION</b>
International application No. PCT/EP2004/011028	International filing date (day/month/year) 02 October 2004 (02.10.2004)
Applicant	ZF FRIEDRICHSHAFEN AG et al

## 1. Transmittal of the translation to the applicant.



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

## 2. Transmittal of the copy of the translation to the designated or elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

None

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DK, DM, DZ, EA, EC, EE, EG, EP, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

## 3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer  Ellen Moyse
Facsimile No. +41 22 338 82 70	Facsimile No. +41 22 338 82 70

## PATENT COOPERATION TREATY

## PCT

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY  
(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 8765 WO RSF-RIX	FOR FURTHER ACTION		See item 4 below
International application No. PCT/EP2004/011028	International filing date (day/month/year) 02 October 2004 (02.10.2004)	Priority date (day/month/year) 22 October 2003 (22.10.2003)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant ZF FRIEDRICHSHAFEN AG			

<p>1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.</p>																
<p>3. This report contains indications relating to the following items:</p> <table> <tr> <td><input checked="" type="checkbox"/> Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input type="checkbox"/> Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/> Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/> Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/> Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/> Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/> Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/> Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table> <p>4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis.2).</p>	<input checked="" type="checkbox"/> Box No. I	Basis of the report	<input type="checkbox"/> Box No. II	Priority	<input type="checkbox"/> Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/> Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/> Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/> Box No. VI	Certain documents cited	<input type="checkbox"/> Box No. VII	Certain defects in the international application	<input type="checkbox"/> Box No. VIII	Certain observations on the international application
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<input checked="" type="checkbox"/> Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement															
<input type="checkbox"/> Box No. VI	Certain documents cited															
<input type="checkbox"/> Box No. VII	Certain defects in the international application															
<input type="checkbox"/> Box No. VIII	Certain observations on the international application															

	Date of issuance of this report 27 July 2006 (27.07.2006)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Ellen Moyse e-mail: pt05@wipo.int

Form PCT/IB/373 (January 2004)

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## PATENT COOPERATION TREATY

Translation

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:	
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PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

		Date of mailing (day/month/year)	See Form PCT/ISA/210 (SHEET 2)
Applicant's or agent's file reference <b>8765 WO RSF-RIX</b>		FOR FURTHER ACTION See paragraph 2 below	
International application No. <b>PCT/EP2004/011028</b>	International filing date (day/month/year) <b>02.10.2004</b>	Priority date (day/month/year) <b>22.10.2003</b>	
International Patent Classification (IPC) or both national classification and IPC <b>F16H48/22, F16H48/30</b>			
Applicant <b>ZF FRIEDRICHSHAFEN AG</b>			

<p>1. This opinion contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>
<p>2. <b>FURTHER ACTION</b></p> <p>If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(h) that written opinions of this International Searching Authority will not be so considered.</p> <p>If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.</p> <p>For further options, see Form PCT/ISA/220.</p> <p>3. For further details, see notes to Form PCT/ISA/220.</p>

Name and mailing address of the ISA/EP		Authorized officer
Facsimile No.		Telephone No.

Form PCT/ISA/237 (cover sheet) (January 2004)

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WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY		International application No. PCT/EP2004/011028
Box No. I	Basis of this opinion	
1.	With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.	<input type="checkbox"/> This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2.	With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:	<ul style="list-style-type: none"> <li>a. type of material           <ul style="list-style-type: none"> <li><input type="checkbox"/> a sequence listing</li> <li><input type="checkbox"/> table(s) related to the sequence listing</li> </ul> </li> <li>b. format of material           <ul style="list-style-type: none"> <li><input type="checkbox"/> in written format</li> <li><input type="checkbox"/> in computer readable form</li> </ul> </li> <li>c. time of filing/furnishing           <ul style="list-style-type: none"> <li><input type="checkbox"/> contained in the international application as filed.</li> <li><input type="checkbox"/> filed together with the international application in computer readable form.</li> <li><input type="checkbox"/> furnished subsequently to this Authority for the purposes of search.</li> </ul> </li> </ul>
3.		<input type="checkbox"/> In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4.	Additional comments:	

Form PCT/ISA/237 (Box No. I) (January 2004)

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WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY		International application No. PCT/EP2004/011028																					
Box No. V Reasoned statement under Rule 43bis(1)(xii) with regard to novelty, inventive step or industrial applicability: citations and explanations supporting such statement																							
<p><b>1. Statement</b></p> <table> <tr> <td rowspan="2">Novelty (N)</td> <td>Claims</td> <td>10-16, 20</td> <td>YES</td> </tr> <tr> <td>Claims</td> <td>1-9, 17-19, 21</td> <td>NO</td> </tr> <tr> <td rowspan="2">Inventive step (IS)</td> <td>Claims</td> <td>13-16</td> <td>YES</td> </tr> <tr> <td>Claims</td> <td>1-12, 17-21</td> <td>NO</td> </tr> <tr> <td rowspan="2">Industrial applicability (IA)</td> <td>Claims</td> <td>1-21</td> <td>YES</td> </tr> <tr> <td>Claims</td> <td></td> <td>NO</td> </tr> </table>			Novelty (N)	Claims	10-16, 20	YES	Claims	1-9, 17-19, 21	NO	Inventive step (IS)	Claims	13-16	YES	Claims	1-12, 17-21	NO	Industrial applicability (IA)	Claims	1-21	YES	Claims		NO
Novelty (N)	Claims	10-16, 20		YES																			
	Claims	1-9, 17-19, 21	NO																				
Inventive step (IS)	Claims	13-16	YES																				
	Claims	1-12, 17-21	NO																				
Industrial applicability (IA)	Claims	1-21	YES																				
	Claims		NO																				
<p><b>2. Citations and explanations:</b></p> <ol style="list-style-type: none"> <li>Reference is made to the following documents:           <p>D1: US 4,471,669 A</p> <p>D2: INGENIEURS DE L'AUTOMOBILE, RAIP. BOULOGNE, FR: DOUBLE EPICYCLE A GLISSEMENT CONTROLE APPLICATION A LA TRACTION DES VEHICULES DOBLE EPICYCLE TO CONTROL SLIP: IMPLEMENTATION ON DRIVE TRAINS</p> </li> <li>D1 discloses (the references between parentheses relate to said document): a gearbox device for distributing a drive torque between at least two drive output shafts (52) having at least two triple-shaft planetary gear sets (42, 44), wherein in each case one first shaft (46) of a planetary gear set (42, 44) is connected to a drive input shaft (40) and in each case one second shaft (52) of a planetary gear set (42, 44) constitutes one of the drive output shafts (52), wherein in each case one third shaft (48) of the planetary gear sets (42, 44) is operatively connected to a brake (80, 82) in such a way that a degree of distribution of the drive torque between the two drive output shafts (52) is varied as a function of the transmission capacities of the brakes (80).</li> </ol>																							

Form PCT/ISA/237 (Box No. V) (January 2004)

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY		International application No. PCT/EP2004/011028
Box No. V	Reasoned statement under Rule 43bis.1(f)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	
<p>82). The subject matter of claim 1 is therefore not novel (PCT Article 33(2)).</p> <p>3. D1 also discloses the additional features of claims 3, 5 to 9. The subject matter of claims 3, 5 to 9 is therefore not novel (PCT Article 33(2)).</p> <p>4. A similar objection to that under point 2 is raised for claim 1 on the basis of D2. D1 also discloses the additional features of claims 2 to 4, 17 to 19 and 21. The subject matter of claims 2, 4, 17 to 19 and 21 is therefore not novel (PCT Article 33(2)).</p> <p>5. The features of claims 10 to 12 and 20 involve only one of several obvious possibilities from which a person skilled in the art would choose according to the circumstances in order to solve the problem of interest, without thereby being inventive. The subject matter of claims 10 to 12 and 20 therefore does not involve an inventive step (PCT Article 33(3)).</p> <p>6. The combination of features contained in dependent claim 13 is neither known from nor suggested by the available prior art. Dependent claims 13 to 16 therefore meet the requirements of PCT Article 33(2) and 33(3).</p>		

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